

ORIGINAL

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT 2013 AUG 19 PM 2: 16

FOR THE SOUTHERN DISTRICT OF GEORGIA CLERK Cadano  
SO. DIST. OF GA.

DUBLIN DIVISION

RONALD G. AYTON,

Plaintiff,

v.

ANNETTE TOBY, Deputy Warden of  
Security, and FNU MCCLOUD, Unit  
Manager,

Defendants.

CV 312-080

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**ORDER**

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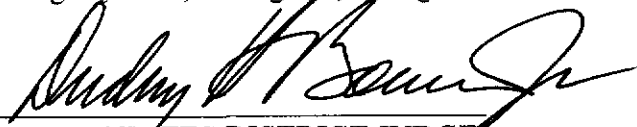
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed.<sup>1</sup> (Doc. nos. 22, 23.) Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendants' Motion to Dismiss is **GRANTED** (doc. no. 9), Plaintiff's Motion to Continue Proceedings is **DENIED**, (doc. no. 14), and Plaintiff's Motion for Summary Judgment is **DENIED AS MOOT** (doc. no. 17). Plaintiff's Complaint

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<sup>1</sup>Plaintiff's first set of objections were docketed as a "motion." (Doc. no. 22.) However, the substance of the filing reveals that Plaintiff contests the recommendation for dismissal and wants his case to proceed to trial. (*See id.*) Regardless of the title affixed to the document, nothing in Plaintiff's filing undermines the Magistrate Judge's analysis that dismissal is appropriate. Accordingly, the **CLERK** is **DIRECTED** to terminate the "motion" from the motions report.

is **DISMISSED**, a final judgment shall be **ENTERED** in favor of Defendants, and this civil action is **CLOSED**.

SO ORDERED this 19<sup>th</sup> day of August, 2013, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE